



## CRS Report for Congress

# Veterans Benefits: Federal Employment Assistance

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### Summary

There are federal employment and training programs and policies specifically targeted to help veterans seeking employment in the civilian economy. Transition assistance programs are operated by the Department of Defense (DOD), the Department of Veterans Affairs (VA), and the Department of Labor (DOL) to assist servicemembers as they prepare to leave the military. DOL operates grant programs to states to provide outreach and assistance to veterans in finding civilian employment. In addition, the federal government has policies that assist veterans in obtaining jobs with the federal government and federal contractors. This report provides a brief overview of these federal programs and policies. This report will be updated as needed.

Veterans may participate in the general employment and training programs open to everyone seeking jobs, or in certain programs targeted specifically to veterans.<sup>1</sup> In addition, the federal government has a policy of assisting veterans in employment through the use of preferences in federal employment, and requirements for affirmative action in the hiring of veterans by federal contractors. This report will provide an overview of these federal employment and training programs targeted to veterans, and federal policies to assist veterans in obtaining federal employment.<sup>2</sup>

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<sup>1</sup> This report does not address federal employment and training programs open to everyone seeking jobs. For information on general federal employment and training programs, see CRS Report 97-536, *Job Training Under the Workforce Investment Act (WIA): An Overview*, by Ann Lordeman and CRS Report RL33687, *The Workforce Investment Act (WIA): Program-by-Program Overview and FY2007 Funding of Title I Training Programs*, by Blake Alan Naughton and Ann Lordeman.

<sup>2</sup> This paper does not provide information on VA education benefits for veterans. For more information on education benefits for veterans, see CRS Report RL33281, *Montgomery GI Bill Education Benefits: Analysis of College Prices and Federal Student Aid Under the Higher* (continued...)

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### **When Is a Discharged Servicemember Classified as a “Veteran” for the Purposes of VA Benefits?**

Not all discharged servicemembers are considered “veterans” for the purposes of the Department of Veterans Affairs (VA) benefits and programs. In order to be eligible for most VA benefits, it is necessary for the discharged servicemember to be classified as a “veteran,” or in some circumstances, the survivor of a veteran.

Federal statutes define “veteran” as a “person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.” [38 U.S.C. § 101(2); 38 C.F.R. § 3.1(d)]. The VA largely bases its determination of veteran status upon military department service records. In addition to the member’s service records, other factors impact his/her classification as a “veteran” and may impact future benefits. These factors include

- *Discharge criteria:* (38 U.S.C. § 101(2); 38 C.F.R. § 3.1(d)).
- *Active military, naval or air service:* (38 U.S.C. § 101(2); 38 C.F.R. § 3.1(d)).
- *Whether the service was during “time of war:”* (38 U.S.C. § 101(6)-(11); 38 C.F.R. § 3.2).
- *Length of duty requirement:* (38 U.S.C. § 101(6)-(11); 38 C.F.R. § 3.2).

After it has been proved that the discharged servicemember meets these criteria, he/she is considered to be a “veteran” and may be eligible for certain benefits relating to health care, education, and other services which are provided by the VA.

(Information provided by Douglas Reid Weimer, Legislative Attorney, American Law Division, CRS.)

## **Cash Assistance**

Part of the Servicemen’s Readjustment Act of 1944 (The GI Bill, P.L. 78-346) provided a cash allowance for returning unemployed veterans. This was provided because, at the time, veterans were not eligible for unemployment compensation. However, because of a combination of factors, including the strong economic growth shortly after World War II and the GI Bill’s education and training benefits, few veterans took advantage of the cash assistance program.

There is currently no system to provide a cash allowance to veterans seeking civilian employment although veterans are eligible for unemployment compensation, which provides partial replacement of lost cash wages.<sup>3</sup>

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<sup>2</sup> (...continued)

*Education Act*, by Charmaine Mercer and Rebecca Skinner.

<sup>3</sup> For more information on unemployment compensation for veterans, see CRS Report RS22440, *Unemployment Compensation (Insurance) and Military Service*, by Julie M. Whittaker.

## Employment Assistance

The federal government operates programs to assist veterans seeking civilian employment and provides preferences in federal employment for veterans. Outlined below are the major federal programs and policies to assist veterans seeking civilian jobs.

**Transition Assistance Programs.** The Department of Labor (DOL), in cooperation with the Department of Defense (DOD) and the VA, operates the Transition Assistance Program (TAP) and Disabled Transition Assistance Program (DTAP). Both programs are designed to provide information on employment and training for servicemembers within 180 days of separation from military service, or retirement.<sup>4</sup>

TAP is a three-day workshop conducted at military installations that includes sessions on how to look for jobs, current market conditions (both labor market and occupation-specific information is provided), preparation of job search materials (including resumes), and interview techniques. DTAP adds additional hours to the three-day program focused on the special needs of disabled servicemembers.

In addition to the employment assistance sessions, information is provided on veterans benefits administered by the VA.

**Veterans State Grants Program.** The DOL Veterans' Employment and Training Service (VETS) offers assistance to veterans seeking jobs through the Veterans State Grants Program. Under the program, grants are used to fund Disabled Veterans' Outreach Program Specialists (DVOP) and Local Veterans' Employment Representatives (LVER).<sup>5</sup> These are state positions, funded by the federal government, that provide outreach and assistance to veterans seeking employment.

DVOP staff in a state are involved in outreach efforts to disabled veterans with greater barriers to employment, who therefore need more intensive services for employment or training. LVER staff help veterans find employment and are involved in outreach to the business community to encourage the hiring of veterans (including disabled veterans).

**Veterans' Workforce Investment Program.** The VETS office also operates the Veterans' Workforce Investment Program (VWIP), a grant program authorized under the Workforce Investment Act (WIA, P.L. 105-220).<sup>6</sup> Grants may be made to fund programs operated by eligible state and local workforce investment boards, state or local agencies, or private non-profit organizations. The grants are intended to help reintegrate veterans into the civilian labor force; develop service delivery systems that address the needs of veterans entering the civilian workforce; enhance workforce investment activities

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<sup>4</sup> For more information on TAP and DTAP programs, see the Department of Labor's TAP Fact Sheet at [[http://www.dol.gov/vets/programs/tap/tap\\_fs.htm](http://www.dol.gov/vets/programs/tap/tap_fs.htm)].

<sup>5</sup> For information on LVER and DVOP grants, see the DOL guide to grants at [[http://www.dol.gov/vets/grants/Final\\_VETS\\_Guide-linked.pdf](http://www.dol.gov/vets/grants/Final_VETS_Guide-linked.pdf)].

<sup>6</sup> Ibid. (For information on VWIP grants).

related to veterans; and perform outreach or public information activities to promote employment of veterans.

In addition to the Veterans State Grants Program and the VWIP program, the VETS office in DOL also:

- conducts the *HireVetsFirst* campaign to encourage employers to hire veterans; and
- provides information to veterans and employers on re-employment rights under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, P.L. 103-353).

All VETS activities are required partners in the One-Stop Career Center system established by WIA.<sup>7</sup>

**Federal Employment Preferences.** The federal government has four policies that provide a preference to veterans: (1) a system of point preference for hiring; (2) special appointment (hiring) authority; (3) affirmative action requirements for federal agencies; and (4) affirmative action requirements for contractors and subcontractors.<sup>8</sup>

**Point Preference.** Veterans are given a federal preference in hiring to prevent an individual from being penalized for having spent time in military federal service. A five-point preference is given to veterans with an honorable or general discharge who served on active duty (not active duty for training):

- during any war;
- during the period April 28, 1952, through July 1, 1955;
- for more than 180 consecutive days, any part of which occurred after January 31, 1955, and before October 15, 1976;
- during the Gulf War period beginning August 2, 1990, and ending January 2, 1992;
- for more than 180 consecutive days, any part of which occurred during the period beginning September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last day of Operation Iraqi Freedom; or

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<sup>7</sup> Local one-stop service centers can be found online at [<http://www.servicelocator.org/>].

<sup>8</sup> For federal employment purposes, a veteran is an individual who has active duty service, with minimum length of service requirements, for one of the time periods defined in Title 5, §2108. For more information on federal employment preferences for veterans, see the Office of Personnel Management's VetsInfo Guide at [<http://www.opm.gov/veterans/html/vetsinfo.asp>].

- in a campaign or expedition for which a campaign medal has been authorized, such as El Salvador, Lebanon, Grenada, Panama, Southwest Asia, Somalia, and Haiti.

To qualify for a five-point preference, medal holders and Gulf War veterans who originally enlisted after September 7, 1980, or entered on active duty on or after October 14, 1982, without having previously completed 24 months of continuous active duty, must have served continuously for 24 months or the full period called or ordered to active duty. As of October 1, 1980, military retirees at or above the rank of major or equivalent are not entitled to preference unless they qualify as disabled veterans.

A ten-point preference is given to

- honorably separated veterans who qualify as disabled veterans because they have served on active duty in the Armed Forces at any time and have a present service-connected disability or are receiving compensation, disability retirement benefits, or pension from the military or the Department of Veterans Affairs;
- honorably separated veterans who are Purple Heart recipients;
- the spouse of a veteran unable to work because of a service-connected disability;
- the unmarried widow of certain deceased veterans; and
- the mother of a veteran who died in service or who is permanently and totally disabled.

**Veterans Recruitment Appointment (VRA).** The use of a VRA allows agencies to appoint an eligible veteran without competition. The VRA is an excepted appointment to a position that is otherwise in the competitive service. After two years of satisfactory service, the veteran may be converted to a career-conditional appointment in the competitive service.<sup>9</sup>

Once in federal employment, VRAs are treated like any other competitive service employee and may be promoted, reassigned, or transferred. VRA appointees with less than 15 years of education must complete a training program established by the agency. Veterans eligible for a VRA appointment are

- disabled veterans;
- veterans who served on active duty in the Armed Forces during a war, or in a campaign or expedition for which a campaign badge has been authorized;

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<sup>9</sup> A veteran may be given a noncompetitive temporary or term appointment based on VRA eligibility. These appointments do not lead to career jobs.

- veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces Service Medal was awarded; or
- recently separated veterans.

In addition to meeting the criteria above, veterans must have been separated under honorable conditions (i.e., the individual must have received either an honorable or general discharge).

**Affirmative Action: Federal Agencies.** Federal agencies must have a separate affirmative action program for disabled veterans as part of agency efforts to hire, place, and advance persons with disabilities under the Rehabilitation Act of 1973 (P.L. 93-112).<sup>10</sup> Agencies are required to

- provide placement consideration under special noncompetitive hiring authorities for VRAs and veterans with a disability rating of 30 percent or more;
- ensure that all veterans are considered for employment and advancement under merit system rules; and
- establish an affirmative action plan for the hiring, placement, and advancement of disabled veterans.

**Affirmative Action: Contractors and Subcontractors.** Contractors and subcontractors with federal contracts in excess of \$100,000 must report to the DOL on efforts to hire veterans in specific categories: disabled veterans; other protected veterans; Armed Forces service medal veterans; and recently separated veterans. Contractors and subcontractors are required to post job openings through state job services or one stop offices, and may post job openings on the federal online service (America's Job Bank).<sup>11</sup>

**Other Federal Assistance.** The Department of Defense Appropriations Act, 2003 (P.L. 107-248) authorized the DOD to transfer funds to the Center for Military Recruitment, Assessment, and Veterans Employment. The center is a 501(c)(6) organization supported by construction employers and building and trade organizations within the AFL-CIO to help veterans find employment in the construction industry, through operation of the "Helmets to Hardhats" program.<sup>12</sup> The transfer of funds has been done each year since FY2003, with the FY2008 transfer being \$990,000 as provided by the Department of Defense Appropriations Act, 2008 (P.L. 110-116).

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<sup>10</sup> Each year the Office of Personnel Management (OPM) prepares a report with information on the accomplishments of affirmative action programs for disabled veterans. The OPM reports are available at [<http://www.opm.gov/veterans/dvaap.asp>].

<sup>11</sup> The federal online employment service can be found at [<http://www.usajobs.com/>].

<sup>12</sup> For more Information, see the program website at [<http://www.helmetstohardhats.com/>].